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| EXAMINER |
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JOHNSON, JERROLD D

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| ART UNIT | PAPER NUMBER |
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3728

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,507

Applicant(s)

WANG ET AL.

Examiner

Jerrold Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 11-13, 19-22, and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 12 and 25 is/are allowed.
- 6) ☒ Claim(s) 6-8, 11, 13, 19-22, 24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

Claims 12 and 25 are allowed.

Response to Arguments

None of the facts asserted in Applicant's arguments of 09 December 2005 are contested. However, these arguments are rendered moot in view of the new grounds for rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill US 5,024,536 or, in the alternative, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill US 5,024,536.

Hill, particularly in Fig. 11, discloses the package for articles comprising first and second inner layers, first and second outer layers, three longitudinal closure lines 9,9 and 15a, bottom edge region 8, thus forming two inner chambers and two outer chambers. Hill further discloses the items that may be used in the chambers including food products, fishing tackle, and art supplies.

It is submitted that for each of these types of products that Hill either inherently discloses placing a plurality of articles in a first one of the two inner chambers, and at least one article in the other chamber, where the plurality of articles in the first chamber are all like articles (i.e. one of food products, fishing tackle, and art supplies), and the at least one article in the other chamber is of the same type, or at the very least it would have been obvious to one of ordinary skill in the art to have used Hill in this manner after having read Hill's disclosure so as to gain the full benefits of his multi-chambered package.

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Claims 6-8, 11, 13, 19-22, 24, 26, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seigelman US 5,881,883 in view Heldwein US 5,097,949 and Hill US 5,024,536 and further in view of Nakamura US 4,744,673.

Seigelman in Figs. 1a, 4a, and 6a discloses a package for articles comprising first and second inner layers, and first and second outer layers as claimed. Seigelman discloses the use of the package for electronic components and the need for protection from humidity, static electricity, etc.

Seigelman in col. 1, lines 44-48 further sets forth the utility of the outer chamber for the purpose of holding documentation (i.e., printed matter).

Seigelman does not disclose at least three longitudinally extending closure lines to form at least two inner chambers, or a permanent seal extending across the top of the at least one of the two inner chambers.

Hill teaches how a multi-layered package can include a third longitudinally extending closure line 15a so as to produce first and second inner chambers so as to separate the contents of the package into different chambers.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the package of Seigelman with the teaching of Hill of an additional longitudinal closure line so as to provide the package with additional chambers so that the contents can be separated between these different chambers. Motivation for such a modification includes the following: aiding the ease with which the contents can be used or counted while in the package, to separate different types of contents into different chambers, etc.

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Seigelman does not disclose what type of seal is used at the top of the package so as to produce his disclosed intended result of protecting the contents from humidity, static electricity, etc.

Heldwein discloses in col. 3, lines 30-35 the use of heat sealing the top of a package that is similar in its intended use to the package of Seigelman.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the package of Seigelman with the teaching of Heldwein of a heat seal at the top of the package so as to shield the contents of the bag from humidity, static electricity, etc., as is intended.

Re the claim limitation drawn to: the plurality of articles disposed in at least one of the two inner chambers, and a number of articles disposed in an other one of the at least two inner chambers, less than the plurality of articles disposed in the at least one of the at least two inner chambers; this limitation although not explicitly disclosed in the reference to Seigelman or Hill would necessarily result from the modification of the Seigelman package through the teaching of Hill. Both references are drawn to packages for enclosing contents. Hill teaches how contents are distributed between two inner chambers. Were Seigelman modified by the teaching of Hill, the contents of the package of Hill (sensitive electrical components) would be distributed in some manner between the two inner chambers. Accordingly, it would necessarily follow that in at least some instances a greater number of articles would be placed in one chamber than in the other, but that the plurality of articles in the first chamber are all like articles (i.e.

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sensitive electrical components in Hill), and the at least one article in the other chamber is of the same type (a sensitive electrical component).

Re the limitation to the heights of the first and second outer layers being substantially less than the heights of the first and second inner layers, note that in Fig. 6a, Seigelman discloses a first outer layer 10 (the front layer in this drawing figure) being substantially less than the heights of the first and second inner layers, but does not show the second outer layer also having this smaller height.

Implicit in the teaching that one outer layer being of a smaller height is a teaching that both would be of this smaller height.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the package of Seigelman v/Heldwein and Hill with the additional outer layer also being of a shorter height so that the benefits of having a smaller front compartment can also be derived in the back compartment of the package.

Re the new limitation set forth in claim 27 of the permanent seal laterally across at least one of the at least two inner chambers, at a position above the top edges of the first and second outer layers, to join at least portions of the first and second inner layers to each other, this limitation is not explicitly taught by Seigelman.

Again, Seigelman does implicitly disclose the two outer chamber defined by outer layers of shorter height than the inner layers (Fig. 6a), and Seigelman discloses that it is the inner chambers that will be used to hold the electronic items disposed in the package and that the outer chambers are useful for documentation. Clearly, the teaching of adding a permanent seal on the inner chambers is both insinuated by

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Seigelman, and taught explicitly by Heldwein, as to not have a seal would not allow the the package to perform its intended purpose.

Placing that seal above the top edges of the first and second outer layers is also not taught by Heldwein.

Nakamura shows how the outer chambers used for documentation remain open, while the inner chambers are designed to be sealed closed.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the package of Seigelman with the teaching of Nakamura so that the documentation for the contents of the package can easily be taken out and read or altered if desired while the delicate electronic contents remain sealed and protected within the inner chambers.

Re claim 6, see Seigelman col. 3, lines 11-20.

Re claims 7 and 8, note the disclosure of documentation in the outer chamber set for the in Seigelman col. 1, lines 44-48.

Re claim 11, this limitation is shown in the various embodiments of Seigelman.

Re claims 14-19-22,24,26 and 28 these method claims recite the inherent method of forming the package of Seigelman in view of Heldwin, Hill and Nakamura.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDJ 


David T. Fidej
Primary Examiner